

Suffolk County Board of Ethics
Suffolk County, New York

Minutes of Meeting Held on
January 29, 2014
Office of the Board of Ethics
335 Yaphank Avenue, Yaphank, New York 11980

Meeting: *Board Members present:* Robin Long, Richard Halverson and Linda Spahr. Heather Palmore arrived at 6:15 p.m. *Staff present:* Samantha Segal, Executive Director and Darlene Kurrass, Board Secretary, taking minutes.

Ascertainment of Quorum: The meeting was called to order at 6:00 p.m. by Chair, Robin Long. A roll call was conducted and a quorum was present.

Adoption of Agenda: At 6:01 p.m. a motion was made by Richard Halverson, seconded by Linda Spahr, to adopt the agenda. Upon a vote being taken, motion was approved (3-0-0).

Public Session: At 6:04 p.m. Robin Long opened Public Session. No members of the public were present and no written testimony was submitted. Robin Long closed public session.

Chair Report: Letters to department heads requesting lists of persons required to file financial disclosure statement, record retention, and plain language guide.

Executive Director Report: Samantha Segal discussed the following with the Board:

- Article of Interest (relevant court decision),
- Subject Matter Index update,
- 2013 end-of-year-review of contract funds,
- FDS fillable format PDF for 2014,
- Ethics by Posters Series.

Executive Session: At 6:23 p.m. a motion was made by Robin Long, seconded by Richard Halverson to go into Executive Session for the purpose of discussing ongoing confidential matters pertaining to Financial Disclosure Statement Hearings and Adoption of Orders from the January 8, 2014 Hearings in accordance with the Suffolk County Administrative Code §A30-8 and the New York State Open Meetings Law. Upon a vote being taken, motion was approved (4-0-0).

At 7:51 p.m. a motion was made by Robin Long, seconded by Heather Palmore to leave Executive Session for the purpose of holding the Board Elections and adoption of minutes. Upon a vote being taken, motion was approved (4-0-0).

For the purpose of the Elections, Board Secretary, Darlene Kurrass, took place as Acting Chair.

A call was made for nominations for Chair of the Suffolk County Board of Ethics.

A motion was made by Linda Spahr, seconded by Heather Palmore to nominate Robin Long as Chair. Upon a vote being taken, motion was approved (4-0-0).

Two calls were made for nominations for Chair of the Suffolk County Board of Ethics (None).

Nominations were closed.

A motion was made by Heather Palmore, seconded by Richard Halverson to appoint Robin Long as Chair. Upon a vote being taken, motion was approved (4-0-0).

A call was made for nominations for Vice Chair of the Suffolk County Board of Ethics.

A motion was made by Richard Halverson, seconded by Heather Palmore to nominate Linda Spahr as Vice Chair. Upon a vote being taken, motion was approved (4-0-0).

Two calls were made for nominations for Vice Chair of the Suffolk County Board of Ethics (None).

Nominations were closed.

A motion was made by Richard Halverson, seconded by Heather Palmore to appoint Linda Spahr as Vice Chair. Upon a vote being taken, motion was approved (4-0-0).

Board Elections were closed.

Adoption of Minutes: A motion was made by Robin Long, seconded by Linda Spahr, to adopt the minutes of the January 8, 2014. Upon a vote being taken, motion was approved (3-0-1) Richard Halverson Abstained.

A motion was made by Robin Long, seconded by Richard Halverson to re-enter Executive Session for the purpose of discussing ongoing confidential matters pertaining to Financial Disclosure Statement Hearings and Adoption of Orders from the January 8, 2014 Hearings in accordance with the Suffolk County Administrative Code §A30-8 and the New York State Open Meetings Law. Upon a vote being taken, motion was approved (4-0-0).

During Executive Session:

The Board conducted an Adjudication by Mail Hearing and voted on the following: FDS# 235 (3-1-0) Richard Halverson opposed,

Heather Palmore left the meeting,

A motion was made by Robin Long, seconded by Richard Halverson to withdraw the reasonable cause vote of FDS# 146. Upon a vote being taken, motion was approved (3-0-0),

A motion was made by Robin Long, seconded by Richard Halverson to restore the following matters to the calendar: FDS#: 8, 166, 180, and 227. Upon a vote being taken, motion was approved (3-0-0),

A motion was made by Robin Long, seconded by Richard Halverson to withdraw the finding of reasonable cause and the notice of violation for FDS#: 8, 166, 180, and 227 based on a finding of law that the term “chairpersons of County political party committees” of Suffolk County Code Section 77-10(A) does not include chairpersons of any Town political party committees. See Suffolk County Code Definitions Section 77-1. Although the prior ethics statutes required “every political party officer” to file an FDS Statement, the current statute only delineates Town political party persons under the dual office holding provision of Section 77-4 and does not impose a County FDS filing requirement upon Town Political Party Officers with the County Board of Ethics.” Upon a vote being taken, motion was approved (3-0-0),

A motion was made by Robin Long, seconded by Linda Spahr to withdraw the finding of reasonable cause and the notice of violation for FDS# 365 and 394 based on a finding of law that the term “chairpersons of County political party committees” of Suffolk County Code Section 77-10(A) does not include chairpersons of any Town political party committees. See Suffolk County Code Definitions Section 77-1. Although the prior ethics statutes required “every political party officer” to file an FDS Statement, the current statute only delineates Town political party persons under the dual office holding provision of Section 77-4 and does not impose a County FDS filing requirement upon Town Political Party Officers with the County Board of Ethics.” Upon a vote being taken, motion was approved (3-0-0),

A motion was made by Robin Long, seconded by Linda Spahr to withdraw the notice of violation for FDS# 390 as the obligation to file falls under Local Law 1097-2007 rather than Section 77-10 of the Suffolk County Code this Board has no authority to penalize under Section 77-16. Upon a vote being taken, motion was approved (3-0-0),

A motion was made by Robin Long, seconded by Richard Halverson to withdraw the finding of reasonable cause and the notice of violation for FDS# 280 and 333 based on a finding of law of Suffolk County Code Section 77-10(H) that the individuals are not members of those boards. Upon a vote being taken, motion was approved (3-0-0),

The Board conducted Adjudication by Mail Hearings and voted on the following FDS#: 266 (3-0-0), 291 (3-0-0), 338 (3-0-0), 360 (3-0-0), and 363 (3-0-0),

A motion was made by Robin Long, seconded by Linda Spahr to adopt the orders from the January 8, 2014 Adjudication by Mail Hearings of the following: FDS#: 221, 165, 181, 234, 228, 244, 157, and 220. Upon a vote being taken, motion was approved (3-0-0),

A motion was made by Robin Long, seconded by Linda Spahr to restore the following matters to the calendar: FDS#: 240, 174 and 120. Upon a vote being taken, motion was approved (3-0-0), and

A motion was made by Robin Long, seconded by Linda Spahr to withdraw the finding of reasonable cause and the notice of violation for FDS#: 240, 174 and 120, based on a finding of law of Suffolk County Code Section 77-10(H) that the individuals are not members of those boards.

At 8:57 p.m. a motion was made by Robin Long, seconded by Richard Halverson to close Executive Session. Upon a vote being taken, motion was approved (3-0-0).

New Business: The Board requested an opinion letter from General Counsel pertaining to Financial Disclosure Statement retention and return obligations.

The next meeting of the Board will be held on February 5, 2014 at 6:00 p.m.

There being no further business, a motion was made by Robin Long, seconded by Linda Spahr to adjourn the meeting. Upon a vote being taken, motion was approved (3-0-0) (9:00 p.m.).